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May 19, 2006

HAND DELIVER

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, Massachusetts 02110

Re: Bay State Gas Company - D.T.E. 06-31

Dear Secretary Cottrell:

Enclosed please find The Berkshire Gas Company's ("Company") Petition for Leave to Intervene in the above-captioned proceeding. The Company notes that it has consulted with Bay State Gas Company ("Bay State") and is able to represent that Bay State did not object to the Company's participation in this proceeding.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By:   
James M. Avery

JMA/cdw  
Enclosure

cc: Caroline M. Bulger, Esq., Hearing Officer (w/enc via hand delivery)  
Patricia French, Esq. (w/enc)  
Karen L. Zink, President, COO and Treasurer (w/enc)  
Jennifer M. Boucher, Manager - Regulatory Economics (w/enc)  
Service List (w/enc)

# 1430173 v1 - AVERYJM - 070652/0012

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Bay State Gas Company  
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D.T.E. 06-31

**PETITION FOR LEAVE TO INTERVENE  
OF THE BERKSHIRE GAS COMPANY**

Pursuant to G.L. c. 30A, §11 and 220 CMR Section 1.03, The Berkshire Gas Company ("Berkshire" or the "Company") hereby petitions the Department of Telecommunications and Energy (the "Department") for leave to intervene in the above-referenced proceeding. In support of this motion, Berkshire states the following:

1. Berkshire is a gas company, as defined in G.L. c. 164, §1, and is regulated by the Department pursuant to G.L. c. 164.

2. Berkshire maintains its principal offices at 115 Cheshire Road, Pittsfield, Massachusetts 01201.

3. On April 18, 2006 Bay State Gas Company ("Bay State") filed its Petition for Determination of Compliance with G.L. c. 164, §1E(b) and accompanying supporting material with the Department. Bay State's Petition was filed in response to a directive in Bay State Gas Company, D.T.E. 05-27, Bay State's recent base rate proceeding.

4. The Department's investigation into the Bay State compliance filing has been opened in docket D.T.E. 06-31.

5. The Department's investigation in this proceeding will address issues relating to the requirements of §1E(b) and other issues of common concern to gas companies in Massachusetts, including Berkshire.

6. The Department may allow any person that "may be substantially and specifically affected" by a proceeding to intervene as a party. G.L. c. 30A, §10; see also 220 CMR §1.03(1).

7. Berkshire is likely to be substantially and specifically affected by the Department's findings with respect to these issues of common application.

8. Berkshire expects that its participation will be focused and limited to issues of more general application.

9. Berkshire's interests are unique and cannot be adequately represented by any other party.

10. Counsel for Bay State has been contacted and has indicated that Bay State does not object to Berkshire being granted intervener status in this proceeding.

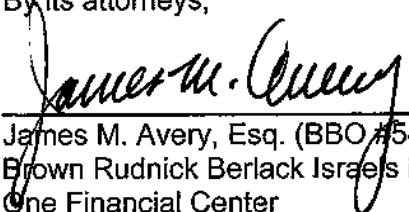
11. Accordingly, Berkshire moves for leave to intervene in this proceeding and participate in this proceeding in a manner consistent with the ground rules and procedures established by the hearing officers.

WHEREFORE, Berkshire respectfully requests that the Department grant this petition for leave to intervene and take such other actions as may be necessary and appropriate.

Respectfully submitted,

THE BERKSHIRE GAS COMPANY

By its attorneys,

  
\_\_\_\_\_  
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Dated: May 19, 2006

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